

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
)
v.) **No. 3:16-cr-000147-4**
)
JASON JOHNSTON,)
)
Defendant.)

MEMORANDUM OPINION

Jason Johnston is serving an 84-month sentence for distribution of methamphetamine and seeks compassionate release (Doc. Nos. 458, 487 and 495) because he suffers from essential (primary) hypertension and high cholesterol that increase his risk of serious illness should he contract COVID-19. (Doc. No. 505 at 1.) Mr. Johnston has exhausted available administrative remedies, (Doc. No. 487-1 at 1). His Motion is properly before the Court.

The Court may grant compassionate release when a defendant is suffering a “serious physical or medical condition,” which includes a chronic condition that increases one’s risk for serious illness from COVID-19, if the condition is not well-managed in prison such that it inhibits his ability to provide self-care. U.S.S.G. § 1B1.13 n.1(A)(ii); see 18 U.S.C. 3582(c)(1)(A); United States v. DeMille, ____ F. Supp. 3d ___, 2020 WL 2992190, at *4 (D. Or. June 4, 2020). The Centers for Disease Control and Prevention (“CDC”) recognizes that having essential hypertension “might increase your risk of severe illness from COVID-19,” and recommends taking medication as prescribed.¹ CDC, People with Certain Medical Conditions, (updated Nov. 2, 2020),

¹ The Government incorrectly focuses on the risk of COVID-19 for someone with pulmonary hypertension—which Mr. Johnston does not have—instead of essential hypertension—which he does. (Doc. No. 495 at 9–10.) Pulmonary hypertension is a serious heart condition that

<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-with-medical-conditions.html>.

Mr. Johnston takes one medication to manage his hypertension. Regular blood pressure readings since August 2019 show that it is very well-controlled. (Doc. No. 497 at 39.) As recently as July 2020, he reports doing well, and medical reports confirm his controlled hypertension. (Id. at 1, 14.) Mr. Johnston remains able to provide self-care in prison and his hypertension is not a serious physical or medical condition. See United States v. Ackerman, No. 11-740-KSM-1, 2020 WL 5017618, at *5 (E.D. Pa. Aug. 25, 2020) (collecting cases denying compassionate release to defendants with hypertension that is appropriately controlled by medication). His high cholesterol, a condition the CDC does not currently list as a risk factor for severe illness from COVID-19, is effectively addressed with one medication. See United States v. Tegeler, No. 3:15-CR-107, 2020 WL 5880962, at *2–3 (E.D. Tenn. Oct. 2, 2020) (denying compassionate release to inmate who was obese and had high cholesterol); United States v. Sattar, ___ F. Supp. 3d ___, 2020 WL 3264163, at *3 (S.D.N.Y. June 17, 2020) (denying compassionate release to inmate whose high cholesterol was controlled and capable of medical treatment in prison if it deteriorated).

Accordingly, the Court will deny Mr. Johnston's Motion and Supplemental Motion for Compassionate Release (Doc. Nos. 458 and 487).

An appropriate order will enter.



WAVERLY D. CRENSHAW, JR.
CHIEF UNITED STATES DISTRICT JUDGE

bears increased risk of COVID-19, but essential hypertension still “might” present increased risk of severe illness from COVID-19. CDC, People with Certain Medical Conditions, *supra*; see United States v. Ackerman, No. CR 11-740-KSM-1, 2020 WL 5017618, at *5 (E.D. Pa. Aug. 25, 2020) (discussing the difference between pulmonary and essential hypertension).